



Atty. Docket No.:UCF-449CIP

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant: DANNY S. PARKER
Serial No.: 10/765,729
Filed: 01/23/2004
For: HIGH EFFICIENCY AIR CONDITIONER CONDENSER FAN WITH
PERFORMANCE ENHANCEMENTS
Examiner: Jiand, Chen Wen Group: 3744 Paper No:

ELECTION

Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed November 23, 2005, Applicant elects to prosecute with traverse Invention IV, Claims 1-15, and 18-38, drawn to fan design classified in class 416, subclass 238. Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

Invention I. Claims 11, 16, 24, 36, 53 and 54, drawn to fan with diffuser housing, classified in class 415, subclass 220.

Invention II Claims 11, 17, 41-48 and 55-59, drawn to fan with strip member, classified in class 416, subclass 244R.

Invention III. Claims 24, 39, 40, 49-52, drawn to fan with control, classified in class 236, subclass 78R.

Invention IV. Claims 1-15, and 18-38, drawn to fan design classified in class 416, subclass 238.

Applicant agrees there are separate inventions however, applicant disagrees with the restriction requirement for several reasons. The Primary Examiner finds separate inventions in the claims 1 – 59.

A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc.

The examiner has not stated that separate searches and separate examiners are necessary to examine these inventions. In fact the examiner admits both inventions are searchable and classified in the same class and subclass.

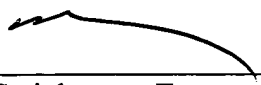
Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If Invention I through Invention IV can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

Therefore, Applicant requests reconsideration and withdrawal of the restriction requirement.

However, in reference to the restriction requirement, Applicant again wishes to make their election to prosecute the invention of Invention IV, claims 1-15 and 18-38 with traverse. If further restrictions are merited, please let us know to expedite the prosecution of the subject application.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:



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